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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WESTERN DISTRICT OF OHIO
COLUMBUS, OHIO

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FILED
KENNETH J. DLOTT
CLERK

CARL OEDER & SONS SAND & GRAVEL
CO., A DIVISION OF OEDER & SONS
GARAGE INCORPORATED, et. al.,

Plaintiffs,

v.

UNION TOWNSHIP, et al.,

Defendants.

Case No. C-1-01-826

Judge Susan J. Dlott

ANSWER OF DEFENDANT THOMAS ARISS, WARREN COUNTY SHERIFF

Now comes Defendant Thomas Ariss, and for his Answer to Plaintiffs' Complaint states as follows:

First Defense

1. The answering Defendant is without sufficient information so as to form a belief as to the truth of the allegations set forth in paragraphs 1, 2, 3, 5, 6, 7, 8, 9, and 10 of the Complaint and therefore denies the same for want of knowledge.

2. The answering Defendant denies the allegations of paragraphs 12, 13, 14, 16, 18, 20, 21 and 22 of the Complaint.

3. In response to the allegations of paragraphs 11, 15, 17 and 19 of the Complaint, the answering Defendant hereby restates his responses to the other allegations of the Complaint as applicable and as more fully set forth in the preceding and following paragraphs of this Answer.

4. In response to the allegations of paragraph 4 of the Complaint, the answering Defendant admits that he is the Sheriff of Warren County, Ohio and that in his official capacity, under some circumstances, he is charged with law enforcement in Union Township, Warren County, Ohio. Any remaining allegations of paragraph 4 of the Complaint are denied.

Second Defense

5. The Complaint fails to state a claim against the answering Defendant upon which relief can be granted.

Third Defense

6. Plaintiffs' claims against this Defendant are expressly subject to, barred, or limited by the provisions of Ohio's Political Subdivision Tort Immunity Statute, O.R.C. Chapter 2744.

Fourth Defense

7. This Defendant is immune.

Fifth Defense

8. Furthermore, the Plaintiffs may lack standing to bring the present actions.

Sixth Defense

9. The Plaintiffs may have failed to mitigate their damages, if any.

Seventh Defense

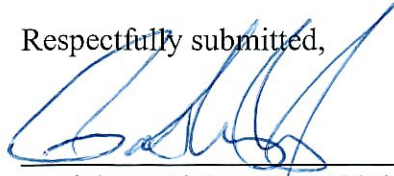
10. Plaintiffs may have failed to join necessary parties to this action pursuant to Rules 19 or 19.1.

Eighth Defense

11. Plaintiffs' claims may be barred by waiver, estoppel and/or unclean hands.

WHEREFORE, Thomas Ariss, Sheriff of Warren County, Ohio, demands that Plaintiffs' Complaint be dismissed in its entirety and that this Defendant recover his costs herein expended, together with such other relief as the Court deems justly due and owing.

Respectfully submitted,



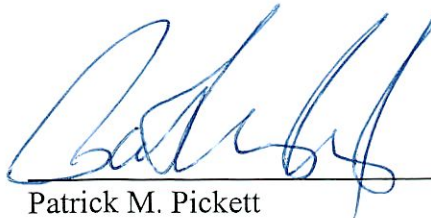
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Answer was served on the 4th day of December, 2001, by first class, U.S. Mail, postage prepaid, upon the following parties:

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